

SEP 23 1982

ALLYN Z. LITE
CLERKUNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA, :
 PLAINTIFF, : Honorable John F. Gerry
 v. : Civil Action No. 80-791
 NICK LI PARI :
 d/b/a LI PARI LANDFILL : CONSENT DECREE
 DEFENDANT :

This matter having been brought before the Court by Plaintiff, the United States of America, by W. Hunt Dumont, United States Attorney for the District of New Jersey (Samuel P. Moulthrop, Special Assistant U.S. Attorney, appearing) and by Carol E. Dinkins, Assistant Attorney General on behalf of the Administrator of the United States Environmental Protection Agency ("EPA"), on the basis of its Complaint filed on March 21, 1980 praying for an injunction among other things; and the parties, by their respective attorneys, have each consented to the form, substance, and entry of this Decree; and the Court having considered the matter and being duly advised; and for good cause shown:

IT IS on this 23 day of September 1982

ORDERED as follows:

I

FINDINGS OF FACT

The Court makes the following findings of fact:

A. The Defendant and his relation to the Litigation

1. Plaintiff, United States of America, has commenced this action on behalf of the Administrator of EPA.
2. Defendant is Nick LiPari individually and d/b/a LiPari Landfill ("LiPari"). [Complaint ¶ 4 (Attachment 2 hereto); Deposition of Nick Lipari taken October 20, 1981 at 6 Lines 6-7 ("Dep. Lipari") (Attachment 3 hereto); Attachment 1 hereto contains a Table of References cited in this Decree.

3. Nick LiPari is an individual residing at 203 Holly Avenue, Glassboro, New Jersey. The Lipari Landfill is a sole proprietorship owned and operated by LiPari, and formed on or about 1957. [Complaint ¶ 4; Dep. LiPari at 6, line 8].

4. From 1957 to 1971 defendant Nick LiPari owned and operated the LiPari site and landfill. Nick LiPari has continuously owned the Lipari Landfill from 1957 to the present. [Dep. LiPari at 10, Line 17].

B. Location and History of Lipari's Landfill

5. The Lipari Landfill ("Lipari Landfill" or "the landfill") occupies approximately six acres in the Township of Mantua, Gloucester County, New Jersey. [Abatement Alternatives - Uncontrolled Chemical Leachate Discharge from the LiPari Landfill, Pitman, New Jersey by R.E. Wright Associates, Inc. ("Rewai 10/80") at page 6 (Attachment 4 hereto)]. A stream known as Chestnut Branch flows in a northwesterly direction along the northern and northeastern borders of the landfill. Another stream, Rabbit Run, flows in a northeasterly direction and borders the western area of the landfill. Rabbit Run enters Chestnut Branch at a point on the northern border of the landfill. Chestnut Branch flows into Alcyon Lake approximately 1000 feet downstream from the landfill. [Rewai 10/80 at 3]. The legal description of the Lipari is block 261, Lot 7 of the Township of Mantua.

6. The landfill site and adjoining acreage were purchased by defendant from Anthony Merlino, [Dep. LiPari at 11, Line 13], who had used the site for excavation of sand and gravel. [Dep. LiPari at 12, Lines 1-3].

7. For 13 years running from 1958 to 1971, LiPari accepted and dumped waste at the Lipari Landfill. [Complaint ¶ 11; Dep. LiPari at 6, Line 19]. The landfill has been inactive since 1971, and a portion has been and is now used for a fruit orchard. [Complaint ¶ 10]. The top of the landfill rises approximately 40 feet above Chestnut Branch. The land surface

slopes from an elevation of 134 mean sea level ("msl") down towards both Rabbit Run and Chestnut Branch where the elevation of this northern border is 120 feet msl. [Rwai 10/80 at 7].

8. Occupied homes are near the northeastern border of the landfill site on the opposite side of Chestnut Branch. Alcyon Lake was and is used for recreational purposes.

9. Between 1958 and 1971, the defendant, Nick LiPari, accepted and dumped household waste, as well as liquid and semi-solid chemical wastes, and other industrial wastes and materials at the landfill. [Dep. LiPari at 12 Line 10; Dep. LiPari at 38 Line 15; Dep. LiPari see generally 75-96].

10. Hazardous wastes were dumped at Lipari Landfill between 1958 and 1971. [Dep. LiPari at 12, Line 10; p. 38, Line 15; pp. 75-96].

11. The hazardous wastes dumped at Lipari Landfill were generated by Rohm and Haas Company from its Bristol, Pennsylvania plant; Owens-Illinois, Inc. from its Glassboro, New Jersey plant, [Dep. LiPari at 73-81]; and CBS Records, Inc. from its Pitman, New Jersey plant, [Dep. LiPari at 93, Lines 9-17]; (the "generators"). [Dep. LiPari at 93, Lines 9-17].

12. Hazardous waste was transported to the Lipari Landfill from the generators by Almo, Inc. (also known as "Almo Tank Cleaning and Maintenance Corp.") and Marvin Jonas, Inc. (both transporters are hereinafter referred to as the "haulers"). [Dep. LiPari at 39, Lines 4-5; Lines 10-24].

13. The hazardous wastes dumped at the Lipari Landfill by the generators and haulers have percolated and continue to percolate into the groundwaters under the landfill and have migrated and continue to migrate through the landfill into the Chestnut Branch and Rabbit Run and out the embankments of Rabbit Run and Chestnut Branch further contaminating the surface waters which run into these streams. [Technical Considerations for the Selection of an Abatement System at the LiPari Landfill, Pitman, New Jersey 9/81 ("Rwai 9/81") at 33-45 (Attachment 5); Rwai 10/80 at 6-22]. Hazardous wastes

leaching from the landfill have contaminated the Chestnut Branch, Rabbit Run and Alcyon Lake and continue to contaminate these bodies of water. [Complaint ¶ 17; Rewai 10/80 at 21 (table 4); Rewai 10/80 at 6-22; Rewai 9/81 at 33-45].

14. During the active operation of the landfill, LiPari directed the disposal activities conducted on site. [Dep. LiPari at 6, Line 19; Deposition of Ralph Haines taken October 21, 1981 ("Dep. Haines") at 12, Line 4 and 10; (Attachment 6)]. Wastes, including chemicals, were transported to, discharged, deposited, dumped and placed in the landfill. [Dep. LiPari at 12, Line 10; p. 38, Line 15; pp. 75-96]. Liquid chemical wastes were dumped directly into trenches excavated in the landfill. [Dep. LiPari at 14-21 (See generally for description of trenches)]. Generally, household refuse was first dumped into the trenches and then the liquid chemical waste was poured onto the household refuse. The chemical waste soaked through the household waste and into the sand underlying the site. [Dep. Haines at 18, Lines 21-25; p. 29, Lines 22-25]. In addition, other chemical wastes in 55 gallon drums were buried in the trenches in the landfill. [Dep. LiPari at 97, Lines 21-25; Dep. Haines at 39, Lines 3-6].

C. Geology of the Landfill

15. The geology of the LiPari Landfill site consists of nearly horizontally bedded strata of sand and clay. The topmost strata to about 40 feet in depth are known as the Cohansey formation (or aquifer). This formation underlies the landfill and consists of fine to coarse silty sand. [Rewai 9/81 at 10-21]. The Kirkwood and Manasquan formations (aquifers) underlie the Cohansey formation and consist of layers of clay and fine to coarse sand. A 10-14 foot layer of clay occurs at 92 to 80 feet MSL and separates the Cohansey formation from the Kirkwood formation. [Rewai 9/81 (fig. 4)]. The sand beds of the Kirkwood formation underlie this clay. [Rewai 9/81 at 16]. Groundwater is

generally reached at 15 feet below the surface, [Rwai 9/81 at 22 (table 8)], and flows downgradient in an easterly to northeasterly direction towards the embankment of Chestnut Branch. With respect to Chestnut Branch, groundwater enters by way of overland flow from leachate streams which emerge from the embankment which borders the landfill. [Rwai 9/81 at 21].

D. Contaminants In and Emanating from the Landfill

16. Water samples taken from and around the landfill reveal pollutants flowing from the landfill, in the groundwater in the landfill, and in the surface waters in Rabbit Run, Chestnut Branch, and Alcyon Lake downstream from Lipari Landfill. [Rwai 10/80 at 15-17; pp. 32-45; Affidavit of Francis T. Brezenski (Brezenski) at 2 (Attachment 10)]. The following contaminants have been detected in the groundwater in the landfill and in the above-described surface waters: benzene, bis (2-chloroethyl) ether [BCEE], 1,1-dichloroethane, trichloroethylene [TCE], phenol, toluene, ethylbenzene, chlorobenzene, vinyl chloride, methylene chloride, arsenic, chromium, lead and zinc.

17. Hazardous waste contaminants from Lipari Landfill are flowing into Chestnut Branch and Rabbit Run and then into Alcyon Lake and out of Alcyon Lake. They are leaching through the sand deposits into the groundwater beneath and around the landfill, and to a lesser degree through the low-permeable, silty-clay layer located at an approximate depth of 35 feet into the lower level of groundwater known as the Kirkwood formation or aquifer. [Rwai 9/81 at 30, 31; Brezenski at 2] The greater portion of the hazardous contaminants in the Cohansey formation migrate in a north to northeasterly direction to enter Rabbit Run and Chestnut Branch. [Rwai 9/81 at 21,22]. The total volume of contaminated groundwater in the Cohansey formation is approximately 49 million gallons, [Rwai 9/81 at 27], which is discharging into surface waters at an estimated rate of 40,000 gallons per day ("gpd"). [Rwai 9/81

at 28]. Extensive sampling of the Landfill and from the plume of contaminated groundwater flowing out of the landfill towards the northeast reveal 38 hazardous chemicals, many of which are known or suspected carcinogens, teratogens and mutagens. [Toxicological Evaluation Substances Present at the LiPari Landfill Based upon the Analysis of Samples taken at or near the site." By Dr. Raymond D. Harbison, Ph.D. (Attachment 8) "Harbison at 1" Attachment 8]. Among these are benzene, BCEE, 1,1-Dichloroethane, TCE, phenol, toluene, ethylbenzene, chlorobenzene, vinyl chloride, methylene chloride, arsenic, chromium, lead and zinc. Samples taken from boreholes upgradient from the landfill in terms of groundwater flow were not contaminated with detectable amounts of pollutants. Thus the landfill is the major source for the contaminants entering Rabbit Run and Chestnut Branch. [Rwai 9/81, at 6, fig 2; see sample results for upgradient wells C-8, C-9, C-12, Appendix D].

E. The Toxicological Risk Posed by the Contaminants Leaching from the Landfill:

18. Chemical analysis of leachate seeps, sediment, surface and groundwater indicate that these samples are contaminated with numerous organic and inorganic chemicals. [Harbison at 1].

19. Thirty-eight of the chemicals found in the samples are classified as hazardous, and will produce adverse health effects. Among these 38, and those listed in paragraphs 16 and 17, above, are known and suspected carcinogens, teratogens and mutagens-chemicals which cause cancer, birth defects or mutations. [Harbison at 2, 3].

F. Chemical Analysis of Leachate and Surface and Groundwater performed at the LiPari Landfill

20. Numerous analytical studies of leachate, surface and groundwater have been performed at the LiPari

Landfill and in the nearby tributaries. Results of these studies have been tabularized and appear in full in "Comparison of Sampling Results from Nick Lipari Landfill Leachate Tables 1-5" (Attachment 7). In addition, a simplified table appears in Attachment 11 and identifies locations and amounts of contamination. These studies were conducted by the New Jersey Department of Environmental Protection, Rossnagel and Associates, Rohm and Haas Company, the U.S.E.P.A. (United States Environmental Protection Agency), and subcontractors who helped to prepare the two R.E. Wright reports, Lawler, Skelley and Matusky ("LMS"), Energy Resources Company ("ERCO") and Woodward-Clyde.

The New Jersey Department of Environmental Protection ("NJDEP") studies were generalized and were performed in support of NJDEP's state action against Mr. Lipari.

The Rossnagel study performed in 1979 was done under a grant authorized by Section 208 of the Clean Water Act. The study was aimed at determining the cause and effect relations between three non-point sources of pollution of Chestnut Branch and Alcyon Lake. The 1978 results were obtained under a contract with the borough of Pitman to make a water quality and biological assessment of Alcyon Lake. These results appear in attachment 7 in tables 2 and 3.

In June 1979 Rohm and Haas, at the request of Gloucester County performed analysis of leachate from the Lipari Landfill. The results of this analysis appear in attachment 7 in table 1, 2, and 3.

As a result of an analysis of a sample sent to EPA's Municipal Research Laboratory in Cincinnati in early 1979, Region II's Surveillance and Analysis Division located in Edison, New Jersey, took additional samples at the landfill and from Rabbit Run, Chestnut Branch and Alcyon Lake. The location of the six leachate samples obtained are designated on the map in The Hazardous Waste Site Report at 10 (Attachment 9) ("EPA at 10")

Also designated in the EPA Hazardous Waste Site Report are samples taken from other locations in the vicinity of the Landfill. These locations include Alcyon Lake, Chestnut Branch, Rabbit Run and nearby wells. The results of these samples appear tabularized at 5, 6, and 10-13 of the EPA Hazardous Waste Site Report. (Sample numbers are matched to locations at pages 7 and 8.). The results from the six leachate samples appear in summary form in the simplified tables [Attachment 11].

In April and May 1980, Lawler, Matusky and Skelly ("LMS" engineers) sampled the leachate from the LiPari Landfill. LMS was the subcontractor working for R.E. Wright Associates, the consulting group who prepared the initial report entitled "Abatement Alternatives-Uncontrolled Chemical Leachate Discharge from the LiPari Landfill, Pitman, New Jersey," performed for the Coast Guard with monies obtained through Section 311 of the Clean Water Act. The LMS study was designed to assess the treatability of the leachate. LMS collected leachate from three different areas of seepage from the Landfill (not specifically designated) in April and May 1980. They composited the three samples for each date yielding two samples: one for April and one for May. The results of their analyses appear in attachment 7 in tables 3, 4, and 5.

In preparation of the second Wright report "Technical Considerations for the Selection of an Abatement System at the Lipari Landfill, Pitman, New Jersey," R.E. Wright Associates subcontracted sampling and analysis to Woodward-Clyde who in turn subcontracted the analysis work to Energy Resources Company. Samples were obtained from wells drilled on site. The wells are numbered C-1 through C-14 and D-2 through D-7. The location of the C and D series wells appear in attachment 7 at 16; [REWAI 9/81 fig. 2].

G. The Nature of the Toxic Wastes Contaminating Surface Water and Migrating from the Landfill

21. Benzene, Bis (2-chloroethyl) ether ("BCEE"), phenol, 1,1-Dichloroethane, trichloroethylene, toluene, ethylbenzene, chlorobenzene, vinyl chloride, methylene chloride, arsenic, chromium, lead, and nickel are present in the leachate flowing from the landfill or in the groundwater beneath the landfill. Available animal and human data indicate that exposure to these substances in drinking water, water used for recreational purposes, and in air increases the risk of cancer and other adverse health effects. [Harbison see generally 8-20].

22. Other toxic organics and inorganic compounds have been detected in the leachate present at the landfill, the leachate flowing from the landfill and the groundwater beneath the landfill. These include chloroform, acrylonitrile, acrolein, methyl chloride, 1,1 Dichloroethylene, beryllium, mercury and zinc. [See see generally 1-14]. Animal and human data indicate that exposure to any of the above chemical compounds in drinking water, water used for recreational purposes or in air may increase the risk of cancer and other adverse health effects. [Harbison see generally 9-20].

23. The substances listed in Paragraphs 21 and 22 have all been designated hazardous wastes and hazardous waste constituents under published EPA regulations. [40 CFR §§261.11, 261.33 and Appendix VIII, 45 Fed. Reg. 33121, 33124, 33132 (May 19, 1980)].

H. Activities of the Generators

24. From approximately 1958 to 1970 Owens-Illinois, Inc. dumped approximately 200 gallons of paint thinner per week in the Lipari Landfill. [Dep. Lipari at 75, Lines 12-13; p. 76, Lines 8-9; p. 80, Line 19].

25. From 1968 and 1969 Marvin Jonas, Inc. hauled wastes from Rohm and Haas Company and dumped a total of approximately 46,000 55-gallon drums of chemicals in the Lipari Landfill. [Dep. Lipari at 89, lines 1-9]. Typically, Marvin

Jonas Inc. dumped approximately 80 barrels per day five days a week in the landfill for the Rohm and Haas Company. [Dep. LiPari at 96, Lines 20-25].

26. During the period 1968 to 1969, Almo Inc. hauled liquid wastes from CBS Records, Inc. and Owens-Corning Fiberglas, Inc. to the Lipari Landfill. Owens-Corning Fiberglas generated at least one load of waste which was dumped at Lipari's Landfill by Almo, Inc. CBS Records, Inc. generated a record cutting solution which was disposed of by Almo, Inc. at Lipari's Landfill. [Dep. LiPari at 92, Lines 7-21]. Almo, Inc. transported a total of approximately thirty 1,000-gallon loads from CBS Records, Inc., which it dumped in the landfill. [Dep. LiPari at 93, Lines 6-7; p. 94, Lines 3-6; p. 98, Lines 14].

I. The Hazard Presented by Lipari's Landfill

27. Lipari's Landfill is underlain at an elevation of about 90 feet MSL with a low permeability layer of silty clay [Rwai 9/81 fig. 4]. Recent analysis has disclosed that contaminants have moved through this layer into the Kirkwood aquifer. [Rwai 9/81 at 30, 31]. The predominant flow of contaminated leachate from the landfill in the upper layer of unconsolidated sand is towards surface water. At the Lipari site this means that the flow is in an easterly and northeasterly direction toward the borders of the landfill to Rabbit Run and Chestnut Branch where it emerges as leachate seeps which eventually enter these tributaries of Alcyon Lake. [Rwai 9/81 at 21].

28. All the substances described in Paragraphs 21 through 23 of this section of the Decree have either carcinogenic, mutagenic or teratogenic properties. Human exposure by way of direct contact with contaminated soil or adjacent bodies of water or with species of plant and animals in these contaminated areas poses an imminent and substantial endangerment to the health of those exposed.

29. Defendant's operations in creating, handling storing, treating, transporting and disposing hazardous wastes at Lipari's Landfill has allowed and continues to allow hazardous waste to be discharged into the groundwater beneath the site and the adjacent bodies of surface water which include Rabbit Run, Chestnut Branch and Alcyon Lake.

30. BCEE has been detected in Alcyon Lake. (Brezenski at 2). As a result of the presence of BCEE in samples of Alcyon Lake, it has been closed to the public.

31. No barriers exist to restrict access to the landfill site and no guards are employed to discourage visitors. The landfill site poses an imminent and substantial endangerment to local citizens, including children and teenagers who have been observed on the site, because of the possibility of contact with these substances and to the environment. It is necessary to construct a fence around the landfill to reduce the risks.

32. Because of the presence of contaminated soil on-site and contaminated leachate flowing from the site, it poses an imminent and substantial endangerment to the environment and to the health and welfare of plant life and animal life that exist there.

33. The discharge and leakage of hazardous chemical wastes into groundwater, surface waters and the environment from Lipari's Landfill has endangered, now endangers, and will continue to endanger the health of persons living, traveling and working near Lipari's Landfill, and the welfare of animals and plants aquatic and otherwise in the immediate area of the site, and the adjacent bodies of waters.

34. Defendant, Nick LiPari, presently has insufficient financial resources to undertake any remedial action with regard to the landfill.

II

CONCLUSIONS OF LAW

The Court makes the following conclusions of law;

1. The wastes in the Lipari Landfill and migrating from the landfill into the groundwater and surface waters are hazardous wastes within the meaning of 42 U.S.C. § 6903 (5).
2. Disposal of the hazardous wastes which are migrating through the groundwaters and leaching from the Lipari Landfill, presents an imminent and substantial endangerment to health and the environment within the meaning of Section 7003 of RCRA, 42 U.S.C. § 6973.
3. Defendant is a person contributing to the disposal of the solid and hazardous wastes in the landfill within the meaning of 42 U.S.C. § 6973.
4. For the purpose of this Decree, this Court has jurisdiction of the subject matter of this action and of the parties hereto pursuant to 42 U.S.C. § 6973 and 28 U.S.C. § 1345. The complaint states claims upon which relief can be granted against defendant.

III

RELIEF

A. Provisions of this Decree shall apply to and be binding upon the parties, their officers, agents, servants, employees, attorneys, successors and assigns of the parties and upon those persons in active concert or participation with them who receive actual notice of this Decree. Defendant shall notify its successors and assigns of the provisions of this Decree.

B. The United States, employees of its departments and agencies, their contractors and consultants and others authorized by EPA, shall have the right and authority to enter and use the Lipari site at all reasonable times to conduct inspections of the site, obtain or verify data, review records, monitor the progress of defendant's compliance with this

Decree, make observations, take photographs, collect samples of the air, soil, leachate, groundwater and surface water on and near the site, determine or carry out remedial measures, or to do anything else authorized by law.

The right and authority to use the Lipari site, carry out remedial measures, described in the preceding sentence, shall be construed to permit the following activities, among others: excavation and grading of the site; construction, maintenance, and operation of fences, walls, structures, drains, pollution treatment equipment and associated equipment and structures, and any other activities which the United States deems appropriate to carry out remedial measures.

C. (1) The defendant, his successors, assigns, agents and employees shall not receive, treat, store, or dump any additional waste material at the Lipari site, including but not limited to irrigating, grading, digging, mining, draining, pumping, excavating or otherwise diverting soil, gravel, leachate or other material, except as approved in writing by EPA or further Order of this Court.

(2) It is understood that EPA will approve requests to excavate if defendant shows that: (1) the soil or gravel to be removed has not been contaminated by certain parameters to be specified by EPA, and (2) the excavations will not adversely affect the clean up or remedial measures being taken or to be taken at the site or the geohydrological nature of the landfill, as determined by EPA.

(3) The defendant shall not harvest, nor permit to be harvested any fruit from the trees on the Lipari site, except as approved in writing by EPA or further Order of the Court. However, in the event EPA does not respond in writing to a written request to harvest fruit within 10 days after receiving a sample of said fruit, then defendant may harvest or permit the harvest of fruit.

D. Defendant shall notify the United States Attorney for the District of New Jersey of its intent to convey any interest in land located at the Lipari site. Defendant shall record a copy of this Decree with the Recorder of Deeds, Gloucester County, New Jersey.

E. The seventy-five thousand dollar (\$75,000) fund established pursuant to Paragraph A (1) of Section IV of the Consent Decree of Injunction entered on September 9, 1980 in this case, plus any interest earned thereon, shall be used for the construction and maintenance of a fence around the Lipari site or for such other purposes as the plaintiff deems are appropriate to implement clean up of the Lipari site. Monies may be disbursed from this fund only with approval of plaintiff and only at such time as plaintiff requests.

F. The defendant, his agent or employee shall:

(1) Impede access of all unauthorized persons and vehicles to the Lipari site by barricading, roping off, or blocking all entrances (including motorbike paths and walking paths) to the Lipari site in a manner approved by EPA.

(2) Post and maintain (on the perimeter of the Lipari site and at the above entrances) signs indicating that hazardous wastes are present on site signs shall be posted at intervals of no greater than fifty feet; and

(3) Patrol the Lipari site at least once per week for the purpose of preventing trespassing, and ejecting trespassers from the site. The defendant or his agent shall prepare a log of the patrols. The log shall state: a) times that the patrol was initiated; b) times that the patrol was ended; c) the number of people observed on the site and what they were doing; and d) actions taken to remove the trespassers or to call the police. The defendant or his agent shall maintain a copy of this log and permit EPA to inspect it at reasonable times upon request.

(4) Complete necessary applications and apply for all permits and approvals necessary to construct a fence

around the landfill.

(5) In the event a fence is constructed at the Lipari site, inspect, and to repair and maintain the fence within his available resources.

IV

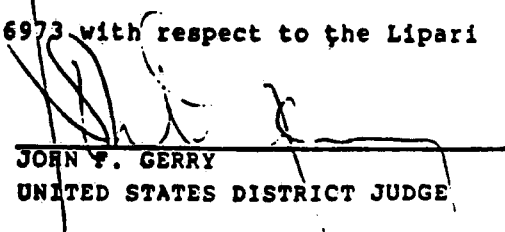
Compliance with the terms of this Decree shall in no way relieve defendant or his agents, servants, employees, successors and assigns of their obligation to comply with applicable federal, state or local statutes, regulations, permits, or ordinances.

V

The Court retains jurisdiction of this matter for the purpose of enabling any party to this Decree to apply to the Court for any further order or relief as may be necessary or proper for the construction and effectuation of this Decree, for the modification or termination of any of the provisions herein, or for the enforcement of any compliance herewith.

VI

This Decree shall not release or relieve Lipari in any way from any monetary liability he may have with respect to the Lipari site under 42 U.S.C. § 9601 et seq. or any other provision of law; nor shall this Decree in any way release or relieve any other persons or entities (including but not limited to the Rohm and Haas Company, Owens-Illinois, Inc., CBS Records Inc., Almo, Inc., Cenco Inc., Marvin Jonas Inc, and Owens-Corning Fiberglas, Inc.) from any liability with respect to the Lipari site or limit in any way full monetary and full injunctive relief against such other persons or entities; and this Decree shall not affect any rights of action, claims and demands concerning the Lipari site against any and all persons or entities, including Lipari, except that the United States will not institute a new suit for injunctive relief against Lipari pursuant to 42 U.S.C. § 6973 with respect to the Lipari site.


JOHN F. GERRY
UNITED STATES DISTRICT JUDGE

The undersigned hereby consent to the form and entry of this Consent Decree without further notice.

DEFENDANT

UNITED STATES OF AMERICA

BY: *Nick Lipari*
NICK LIPARI
Defendant

BY: *Carol E. Dinkins*
CAROL E. DINKINS
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U.S. ENVIRONMENTAL PROTECTION
AGENCY

BY: *James C. Woods*
JAMES C. WOODS, ESQ.

BY: *Frank E. Barber*
FRANK BARBER, ESQ.

I declare that the foregoing is a true and correct copy of the original of this Consent Decree.

ALICE E. WOOD, Clerk
United States District Court
District of New Jersey

By *John R. [Signature]*
Deputy Clerk

CLERK, UNITED STATES DISTRICT COURT

BOX 518, TRENTON, N.J. 08608

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